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EXAMINER

BELIVEAU, SCOTT E

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/782,265

Applicant(s)

DACOSTA, BEHRAM MARIO

Examiner

Scott Beliveau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

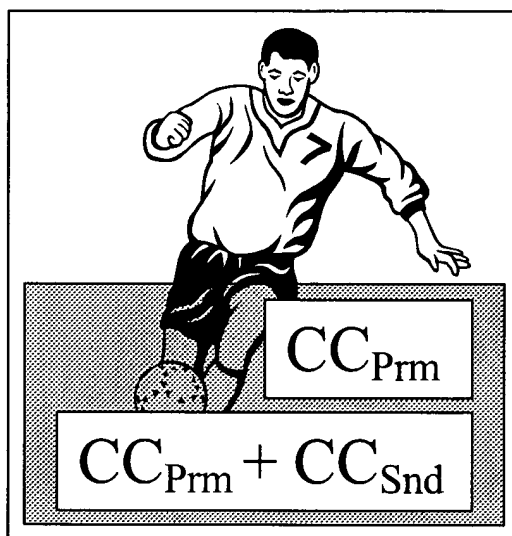
1. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

With respect to applicant's arguments such that none of the words within the closed captioning text of Brodsky appear differently from any others and that the particular words cannot be subsequently selected from the closed captioning text itself, the examiner respectfully disagrees in view of the combined teachings. As noted in applicant's previous arguments as well as in the current response, the Brodsky reference teaches that words are added to the dictionary as derived from the closed captioning text (Col 2, Lines 20-23). The claims do not require nor preclude how words are necessarily designated as being 'primary' versus 'secondary'. As to selecting words, the reference clearly discloses that a user is operable to select a word from a listing of valid or keywords words which were originally present within the closed captioning itself, such words, taken in combination with the display of all closed captioning words as taught by Wasilewski et al. and Isoe et al. need appear differently such that the user knows which words are 'valid' choices to retrieve encyclopedic information as taught by Brodsky.

As to the applicant's remarks such that the particular display of words appearing in a list that is separate from closed captioning does not meet what is meant by appearing differently, the examiner respectfully disagrees. The specification provides no special definition or meaning with respect to what is meant by "appearing differently". Rather, the specification sets forth that the particular meaning of appearing different is to be construed as non-limiting

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(IA: Page 5, Lines 11-17). Arguably, primary words and secondary words could be broadly construed as appearing differently within the closed captioning, in light of the specification, simply by virtue of the words being different from one another (ex. the word “France” appears differently than the word “in”). However, the references, taken in combination, provide a display interface representing the following:



$CC_{Prm}$  corresponds to the primary words within both the PIP window and the caption display area.  $CC_{Snd}$  corresponds to the secondary words. Both regions within the ‘grayed area’ are closed captioning text. Therefore, the region itself is construed as closed captioning text and primary words within the closed captioning text (or region represented thereof) are construed as appearing differently, not simply because the words are different themselves, but by virtue of their further appearance within the PIP window.

In response to applicant's argument and general assertion that there is no suggestion to combine any of the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed

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invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art as set forth in the grounds of rejection.

With respect to applicant's particular arguments regarding a prima facie case of obviousness not having been made with respect to the particular combination of references with the Encyclopedia Britannica online article, the examiner respectfully disagrees as set forth in the examiner's previous action (Non-Final Rejection, mailed 25 January 2006). To summarize, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In the instant case, the particular usage of an remote encyclopedia is not used in a vacuum but is rather suggested by both the Brodsky and Thomsen references. Brodsky explicitly discloses the particular usage of local or remote encyclopedias (Col 6, Lines 29-31), but is silent with respect to nature of information being retrieved from the encyclopedia. The Thomsen reference suggests that the particularly selected search terms can be sent to a data warehouse so as to retrieve information that is related to the transmitted data wherein the data warehouse includes external databases such as those associated with commercial institutions (Para. [0049]). The Britannica article clearly provides evidence as to the existence and the

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particular usage of online or Internet based data warehouses or encyclopedias so as to provide users with a compendium of general knowledge. The reference further provides several explicit statements (Awards & Accolades) with respect to why one would be motivated to use the particular encyclopedia/data warehouse associated with Encyclopedia Britannica® online. Accordingly, it is the examiner's opinion that one would have been sufficiently motivated to particularly use an existing online encyclopedia such as that evidenced in the article in combination with the Brodsky and Thomsen references.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski et al. (US Pat No. 5,359,601), in view of Isoe et al. (US Pat No. 5,671,019), and in further view of Brodsky (US Pat No. 5,809,471).

In consideration of claim 1, the Wasilewski et al. reference discloses a method comprising television receiving equipment and a remote controller wherein a user is operable to "receive from a head end transmitter" [68] "along with the program, closed captioning text" which may subsequently be displayed (Figure 4; Col 4, Lines 42-62; Col 5, Lines 60-63; Col 6, Lines 6-23 and 54-59; Col 8, Lines 25-28). The reference, however, is silent with respect to the particular further usage of PIP windows in conjunction with the display device.

In an analogous art pertaining to television systems, Figures 1 and 2 of Isoe et al. disclose a conventional television system that further comprises a remote control device [6] which is operable to “display with the program closed captioning text” and a PIP window (Col 1, Lines 31 – Col 3, Line 6). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the television receiver [76/78] of Wasilewski et al. so as to further support PIP functionality in connection with the display of closed captioning retrieved from the headend and a program for the purpose of providing flexibility in allowing a viewer to individually watch a full-screen image or any partial-screen image of their preference (Isoe et al.: Col 1, Lines 50-53). Taken in combination, the references disclose a television receiver that is operable to receive/process/display closed captioning as derived from a headend transmission along with a received program corresponding to that program as well as a PIP window.

The combined references, however, do not particularly disclose the ability to retrieve supplemental content related to the television program. In an analogous art pertaining to television systems, the Brodsky reference illustrates a system [100] for implementing a “method for obtaining information based on a TV program”. The method “permits a user of a remote control device” (voice actuated or otherwise) to “select at least one word to establish a selected word” through a user interface [110] wherein “if the selected word is a primary word, [the system] displays a list of content related to the selected word” (Brodsky: Col 5, Lines 11-35; Col 6, Lines 12-42). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the combined television receiver of Wasilewski et al. and Isoe et al. with the teachings of Brodsky for the

purpose of providing a user watching and/or listening to a program to retrieve supplemental information pertaining to an item just seen or words just heard (Brodsky: Col 1, Lines 51-54).

Taken in combination, the references provide a “method for obtaining information based on a TV program”. In particular, while a viewer of the combined Wasilewski et al. and Isoe et al. receiver is watching a headend transmitted/distributed video program with its associated closed captioning on, the system subsequently receives a command as taught by Brodsky so as to present a list of valid requests within a PIP window pertaining to available choices for which supplemental content may be retrieved. Accordingly, turning to Figure 2 of Isoe et al., the system “displays with the program” (ex. program A), “closed caption text” comprising the combination of that designated as “caption for ‘A’ as well as the listing of valid terms from the closed captioning as populated in the PIP window ‘B’ in response to the user’s request for the display of valid choices. Subsequently, “primary words as received from the headend transmitter” or words associated with a listing of available topics (Brodsky: Col 4, Lines 44-47) “appear differently within the closed captioning text “ associated with the entire display “than remaining secondary words” by virtue of their further appearance within the list of selectable keywords “when the closed captioning text is presented on a display of a TV prior to any user selection of words in the closed captioning text” (Brodsky: Col 5, Lines 26-35). Alternatively, “primary words within the closed captioning text . . . appear differently within the closed captioning text than remaining secondary words when the closed captioning text is presented on a display of a TV prior to any user selection of the words in the closed captioning text” simply by virtue of primary words and secondary words



being different words from one another (ex. the word “France” appears differently than the word “in”). The user can subsequently utilize the aforementioned “remote control device” such as that associated with any of the combined references, to select a word from the list of valid choices for subsequent display of associated content as taught by Brodsky.

In consideration of claim 2, Brodsky discloses that the “list is displayed in a picture-in-picture (PIP) window on the TV” (Brodsky: Col 5, Lines 22-35).

Claim 5 is rejected wherein the Brodsky reference discloses that the system “permits a user to select at least one content on the list and displaying the content” (Brodsky: Col 6, Lines 12-42).

Claim 6 is rejected wherein the Brodsky reference discloses that the “content is obtained from an audio/video data storage” such as a local or remote CD-ROM “associated with the TV” (Brodsky: Col 6, Lines 12-42).

With respect to claim 8, the Brodsky reference discloses that a “processor” [106] “associated with the TV” [108] is operable to “add the content to a local data storage associated with the TV and correlate the content with other content related to the selected word” associated with the pre-fetched content associated with a particular keyword (Brodsky: Col 5, Line 64 - Col 6, Line 11).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski et al. (US Pat No. 5,359,601), in view of Isoe et al. (US Pat No. 5,671,019), in view of Brodsky (US Pat No. 5,809,471), and in further view of Sampsell (US Pat No. 6,496,122).

In consideration of claim 3, the combined references do not disclose that the particular “list is displayed on a display of the remote control device”. In an analogous art pertaining to

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television systems, the Sampsell reference discloses a “remote control device” [170] that provides picture-in-picture (PIP) functionality and the ability to display/control menus (Sampsell: Col 4, Lines 17-28; Col 10, Line 5 – Col 11, Line 25). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the remote controller of the aforementioned combined references such that the “list is displayed on a display of the remote control device” for the purpose of providing a means by which the user can provide for the viewing of multiple image display devices and associated menus without covering upon part of an image displayed on an image screen as in convention picture-in-picture (PIP) technology (Sampsell: Col 2, Lines 54-58).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski et al. (US Pat No. 5,359,601), in view of Isoe et al. (US Pat No. 5,671,019), in view of Brodsky (US Pat No. 5,809,471), and in further view of Chang (US Pat No. 5,543,851).

With respect to claim 4, as aforementioned, the Brodsky reference does not particularly disclose nor preclude that the supplemental information may not include the ability for the “user [to] select a word to cause the computer to transmit to the TV a dictionary definition of the word”. The Chang reference provides evidence that it is known for a “user [to] select a word to cause the computer to transmit to the TV a dictionary definition of the word” (Chang: Col 5, Lines 33-43). Accordingly, it would have been obvious to one having ordinary skill in the art so as to modify combined teachings so as to further provide supplemental information including a dictionary definition of a word for the purpose of providing a time efficient means for proving the user with the meaning of a term which appears in the closed caption text (Chang: Col 1, Lines 18-28).

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6. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski et al. (US Pat No. 5,359,601), in view of Isoe et al. (US Pat No. 5,671,019), in view of Brodsky (US Pat No. 5,809,471), and in further view of the Encyclopedia Britannica Online article.

In consideration of claim 7, as aforementioned, the Brodsky reference discloses that the supplemental information from remotely based databases that include encyclopedias may be “downloaded” from broadcasters or dial-up service providers “in response to the user selecting the content” (Brodsky: Col 6, Lines 12-42). However, the reference does not explicitly disclose that the supplemental information may be “downloaded from at least one of: the Internet, and a transmitter head end”. The “Encyclopedia Britannica Online” article provides evidence as to the existence of Internet based encyclopedias. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to “download from at least one of: the Internet . . . ” encyclopedia information such as provided by “Encyclopedia Britannica Online” for the purpose of utilizing the most complete compendium of general knowledge on the Internet as a source of supplemental data.

Claim 9 is rejected wherein the article provides evidence that it is known to “bill the user for downloading content” in connection with a subscription fee to access the online encyclopedia.

7. Claims 10, 14, 16, 18, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomsen (US Pub No. 2002/00067428 A1) in view of the IBM technical disclosure bulletin (hereafter IBM-TDB).

In consideration of claim 10, Figure 1 of Thomsen illustrates a “system for obtaining information using a TV closed caption display”. As illustrated in Figure 1, the system comprises a “TV receiving content [including closed caption text] from a source” (Para. [0024]), a “remote control device configured for wireless communication with the TV” [140] (Para. [0028]), and a “data structure” (Para. [0048] and [0049]) accessible to a “computer associated with . . . the TV” [116]. The “computer” [116] “retrieves from the data structure a list of content related to at least one word appearing in the closed caption text and selected by a user manipulating the remote control device [wherein] the word appears within the closed caption text and [is] selected from the closed caption text by means of the remote control device” (Figures 3, 5, and 9-10; Para. [0024] - [0031], [0043] – [0051], [0054] – [0056]). The reference, however, is silent with respect to “the word being made to flash within the closed caption text”.

In an analogous art pertaining to television systems, the IBM-TDB reference discloses a system that provides enhancements to closed caption capabilities on most televisions such that the “word [is] made to flash within the closed caption text” (Para. 7) in accordance with a speaker’s detected emotion. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the television system of Thomsen in view of the IBM-TDB for the purpose of advantageously providing enhancements to the closed caption capabilities to television receivers such that the user can determine intensity or emotion associated with the speaker.

Claim 14 is rejected wherein the “content is obtained from and audio/video data storage associated with a TV” (Para. [0049]).

Claim 16 is rejected wherein the “content is downloaded from at least one of the Internet . . . in response to the user selecting the content” (Para. [0056]).

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomsen (US Pub No. 2002/00067428 A1), in view of the IBM-TDB, and in further view of Patterson (US Pat No. 5,923,379).

In consideration of claim 11, the Thomsen reference does not disclose that the “list” (Figure 10) as presented via an Internet browser is necessarily “displayed in a picture-in-picture (PIP) window on the TV”. In an analogous art pertaining to television systems, the Patterson reference discloses “displaying in a picture-in-picture (PIP) window on the TV” information associated with a web-browser (Patterson: Col 3, Line 37 – Col 4, Line 2). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Thomsen with the teachings of Patterson so as to “display” the “list . . . picture-in-picture (PIP) window on the TV” for the purpose of providing a means by which a user is capable for browsing the Web at the same time as another video signal is being viewed on the television (Patterson: Col 2, Lines 11-20).

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomsen (US Pub No. 2002/00067428 A1), in view of the IBM-TDB, and in further view of Allport (US Pat No. 6,097,441).

In consideration of claim 12, the Thomsen reference does not disclose that the “list” (Figure 10) as presented via an Internet browser is necessarily “displayed on a display of a remote control device”. In an analogous art pertaining to television systems, the Allport reference discloses providing Internet browser content such that it is “displayed on a display

of a remote control device” (Allport: Col 6, Lines 49-64; Col 7, Lines 36-58). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Thomsen such that the “list is displayed on a display of the remote control device” for the purpose of providing a secondary user interface associated with a remote controller which leaves the primary viewing screen or TV uncluttered (Allport: Col 4, Lines 53-60).

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomsen (US Pub No. 2002/00067428 A1), in view of the IBM-TDB, and in further view of the Encyclopedia Britannica Online article.

In consideration of claim 13, the Thomsen reference suggests that the particularly selected search terms can be sent to a data warehouse so as to retrieve information that is related to the transmitted data wherein the data warehouse includes external database such as those associated with commercial institutions (Para. [0049]). It is unclear, however, if the returned information further comprises “causing the computer to transmit to the TV a dictionary definition of the word”. In an analogous art pertaining to information distribution systems, the Encyclopedia Britannica article discloses providing or displaying “a dictionary definition of the word” (ex. Pop-up Dictionary) related to a search. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to utilize the online database as disclosed in the Encyclopedia Britannica Online article so as to facilitate the retrieval of related information including dictionary definitions for the purpose of taking advantage of the most complete compendium of generable knowledge on the Web so as to retrieve additional information regarding selected information.

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11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomsen (US Pub No. 2002/00067428 A1), in view of the IBM-TDB, and in further view O'Brien et al. (US Pat No. 6,055,569).

In consideration of claim 17, the Thomsen reference discloses that the system is operable to utilize Internet browser techniques so as to particularly retrieve and facilitate the retrieval and display of "contents" (Para. [0057]). The reference, however, is silent with respect to a "processor associated with the TV adding the content to a local data storage associated with the TV and correlates the content with other content related to the selected word". In an analogous art pertaining to the retrieval of information from the Internet, the O'Brien et al. reference discloses a method such that a "processor . . . adds the content to a local data storage . . . and correlates the content with other content related" to the particular web page (Col 3, Line 28 – Col 4, Line 29). For example, if a user downloads content associated with a particular web page (ex. [www.epa.gov](http://www.epa.gov)), the system adds that web-page and correlates the web page with other related web-pages related to or associated with the selected word (ex. other pages related to [www.epa.gov](http://www.epa.gov)). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Thomsen such that a "processor associated with the TV adds the content to a local data storage associated with the TV and correlates the content with other content related to the selected word" for the purpose of advantageously accelerating the users ability to retrieve information from the Internet in a manner which further takes advantage of the user's probability in visiting those pages (O'Brien et al.: Col 1, Line 31 – Col 2, Line 16).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The EIA-708-B standard provides evidence as to broadcasters encoding words within closed captioning text to appear differently (ex. flashing – Section 8.5.5 – Pen Styles (Page 35)).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343.

The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SEB  
March 7, 2006

Scott Beliveau  
Examiner  
Art Unit 2614